

THE LOUISIANIAN is published every Sunday, except on the first of January, and the first of May, at 114, Carondelet Street, New Orleans, La.

TERMS OF SUBSCRIPTION:—One Year, in Advance, \$1.00; Six Months, \$0.60; Three Months, \$0.30. Single Copies, 10 Cents.

ADVERTISING:—For each square of eight lines, one insertion, \$1.00; for each subsequent insertion, 50 Cents. For a full description of the various rates, apply to the Editor.

NOTICE:—All communications must be addressed to the Editor, and must be accompanied by the name of the author, and must be for publication, but no responsibility is assumed for the opinions of contributors.

CAST IT NOT AWAY:—By George L. Drake. "Spring's soft fragrance filled the air, When first these green buds swelled; And love's warm sunshine filled my life, When close my heart you held."

THE INLAIN HARP:—By the author of "THE SECOND LIFE," ETC. The harp was carried up to Mary's room; but Dr. Wotton's admiration was, probably, but a bit of civil compliment, for he honored it with but a passing glance.

He asked me to play, however, one evening, some weeks afterward, with a careless, indifferent tone, which would have been considered unseemly, and unbecoming, had it been uttered by a person of his own age, in my youth.

When I declined, he was so rebuked in my manner, betwixt myself and my daughter's bedside, to the corner where stood the harp, and run his finger sharply over the strings.

This wire is of a different class of goods from our brass and catgut strings. "This mosaic," too, looked like a different class of goods from our brass and catgut strings.

"You women, Ellen, judge men by the outside. There's not a nobler, more manly soul alive than that in George Choate's bony little body."

He went out abruptly. I kept my eyes on Agnes as he spoke, but it was impossible to tell how his words affected her. She bowed on quietly, indifferent to the flattery or praise of her lover.

I had discovered before now that she arrived at her own conclusions with but little regard to the popular prejudices of the family; and once having taken her ground, stood on it immovably as a rock. It is generally the case with your gentle, soft-spoken women.

John came home when I sat alone, looking at the harp, and began pacing up and down the floor, his head bent, his hands clasped.

"You are perplexed about Aggy, dear boy," I ventured. "I am sure there is no cause for anxiety." "I do not believe that."

"Do not tell me what you guess of her feelings," he said. "We have no right to do that, until she chooses to acknowledge it. But Choate is miserably poor—and we know what the hardships and losses of a business man's life are."

"No better salary than yours?" "No, but we won't discuss it again, playing his own harp in his affectionate way. We have trouble enough on every day. I am going to carry your harp up to mother's room to-night. She signed to me that she would like to hear it."

# THE LOUISIANIAN.

REPUBLICAN AT ALL TIMES, AND UNDER ALL CIRCUMSTANCES.

NEW ORLEANS, LA., SUNDAY, MARCH 18, 1871.

all our resources—the harp in particular. John's eyes twinkled as he said this. He knew the antiquity of the young man, who sometimes came in the place of our old physician, who was, in that winter, my physician, was never very mild; and this handsome young fellow, with his free and easy dash of manner, florid complexion, and bold, black eyes, had roused my antagonism from the first.

"It is not likely to be for sale," said Nelly, laughing. "Of course not; old family relics—harlots, no doubt. I'd wager, now, there's a story attached to the thing, if the old lady would oblige me, in an undertone, not intended for me to hear."

"I know of none," replied Nelly, from a yet more inaccessible distance. "No maiden weeping for her Coolin, eh?" "Whose bright hair shall make the T. How is it the post, Miss Nelly? Is Moore not a favorite of yours? Possible? Tut, tut! the soul of wit and wit and sentiment—Tommy Moore! Well, good-evening, all! You have a very curious bit of antiquity there, 'mam,' turning to me, patronizingly, 'and some day, when I have leisure, I shall be happy to hear you perform on it.'"

"Al—h!" said Nelly, with a long drawn sigh of disgust, as soon as the door was shut behind him. "Oh, grandmother! if you were dressed in your old brocade and jewels, as in the picture yonder, you need not be vexed with great ladies like that."

Agnes laughed. "It's a cheap dignity that depends on brocade and jewels, 'mam.' True merit would despise it. I think 'It's the only kind of dignity that commands respect from vulgar people,' said Nelly, promptly. 'And a very good armor for true merit to wear. Your true merit, that goes about in faded prints and straw bonnets, buying cheap meat and butter, is apt to be roughly used in a grocer's shop, and will be ready to cry, 'Poor Tom's cold, before the winter's over.'"

"One would think," said Agnes, placidly, snipping a knot from her seam, "that you thought money to be one of the chief good gifts in life. I am neither blind nor deaf, vehemently. 'What else can I think? Have not all our lives been stunted, tastes, and talents, and generous impulses left to wither for the want of money? Look at John! I think we are on probation, like this twig of geranium in its clay bed,' with a nervous laugh. 'And I hope that the spring may come to us as to it, some day, Aggy. I hope that we will be transplanted to rich soil. I'd like to try what the best culture could make of us. That is not your plan for the future?'"

"No," quietly. "You have no prince in your dreams coming, wise and wealthy?" "With a shivered look in her blue eyes watching her sister."

"I would be very willing to be a 'poor man's wife,' said Agnes, in a lower voice than usual, her color arising. Nelly gave a quick, appalled glance toward me. She was very fond of her elder sister, and proud of her; but I fancy that, in her secret heart, she thought her a bit stupid, and hence her frequent habit of riding her down. But to-day her dominating little voice grew suddenly silent, and once or twice afterward I saw her close her eyelids tightly to keep back the tears. I confess I thought this was carrying the prejudice against George Choate a little too far. It made me ready to look out for good points in the young man, and even to become his champion when Nelly assailed him."

But we had soon on time to criticize or weigh each other's character, or to theorize, as poor Nell was fond of doing, on what change fortune would make on us when it came. What with the physician's bills, and the increase of all rates of expenditure that winter, it needed all the strength of each of our little party simply to bear their part in the struggle for the mere means of life; a struggle of which the poor invalid, up stairs, knew nothing. The girls, leaving her by turns each night as if to go to their own sleep, sat up till morning, as I knew, busy with the pen or needle. I did what I could knitting and crocheting; I made, too, some wax and silver work, which John took to sell, and brought me back a handsome sum to add to the general fund. It was not until long afterward that I discovered that the shopkeeper had laughed at my poor

bonquet, and that the boy had quietly destroyed them, bringing me part of his week's salary. Time was when my work was not laughed at. But the present generation have different tastes from mine. I remember still a half-remembered, quiet, efficient son and brother among us. Sometimes, when the matter would force itself home to me, and I realized that our grave, beautiful Agnes, for whom we all had dreams, if she had none for herself, of a coming prince and kingdom in the golden future, was likely to become the wife of the red-headed, insignificant clerk in the shipping-store, I stepped, dismayed and astonished, as though the idea was freshly new to me, and disesteemed. But the matter righted itself quietly with no meddling heads of ours. Indeed, my creed is not that of the old adage, which talks of the rough course of true love; but that there is always in the truest love a natural strength which finds fitting place for root and flower, and fruit, despite of foulest weather or unkindly soil.

A few words decided it all. Mary, as the winter came on, recovered the use of her hand so far as to write her wishes upon a slate, which lay on her breast. One evening, when Dr. Wotton was making his daily, wearisome, visit, she wrote him the question which none of us dared to utter.

"How long is this to last? Will I ever speak or stand on my feet again?" The fellow toyed with his whiskers, petting her poor dead hand that could not move from him. "Be patient, dear lady! We are doing very well—very well! It is better to submit to one who is wise than to one who is not. You mean, 'No,' she wrote, a flash of her old impetuosity in her black eyes.

Continued from our last Number. [Speaker Carter resumed the chair.] Mr. Davidson, of Livingston, moved that the rules be suspended so that Senate bill No. 48 could be considered, by Senate bill No. 48. The Secretary of the Senate was announced with the following message: To the Honorable Speaker and Members of the House of Representatives: Gentlemen—I am directed to present to your honorable body, for concurrence, the following entitled bills, viz: Senate bill No. 2, to secure homesteads to actual settlers on the public lands of the State; Substitute for Senate bill No. 18, relative to bonds in cases of attachment, sequestration, provisional seizure, etc.; Senate bill No. 16, to form a new parish, to be called the parish of Red River; Senate bill No. 95, for the relief of James O. Nixon, late Public Printer; Senate bill No. 134, making an appropriation to pay Simon Belchen, Attorney General, etc.; Senate bill No. 178, to fix the time of holding terms of the District Court in the parish of West Baton Rouge.

CHARLES H. MERRITT, Secretary of the Senate. Mr. York, of Carroll, moved an adjournment, upon which the yeas and nays were demanded by Messrs. R. M. J. Kenner, of Orleans, and Adolphus Tureaud, of St. James, resulting as follows: Yeas—Adolphus, Antoine, Baker, Barker, Barrett, Barrow, Belot, Bentley, Bickham, Blunt, Bowman, Buchanan, Burch, Carr, Cochran, Crawford, Darby, Darinburg, Davidson, Davis, Durio, Ellis, Gaddis, Gardner, W. Harper, Hemphreys, Kearns, Killen, La Salinette, Laurent, Lambias, H. Lott, J. B. Lott, Lynch, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncre, Moore, Morris, Murray, Nelson, Oplatok, Pond, Quinn, Schumacher, Smith, Stamps, Stanton, Stevens, Stinson, Talmann, Thompson, Tonnore, Tureaud, Ullmann, Verrett, Wanda, Washington, of Concordia, Whelan, E. Williams, H. Williams, Wilson, Worral, York, Young, 25. Nays—Brewster, Brown, Bryan, Buchanan, Dumas, Duval, Fontenelle, Fontenelle, Gardner, Garstank, Huston, Hyams, Johnson, Kearns, Killen, Kinsella, La Salinette, Laurent, Lambias, H. Lott, J. B. Lott, Lynch, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncre, Moore, Morris, Murray, Nelson, Oplatok, Pond, Quinn, Schumacher, Smith, Stamps, Stanton, Stevens, Stinson, Talmann, Thompson, Tonnore, Tureaud, Ullmann, Verrett, Wanda, Washington, of Concordia, Whelan, E. Williams, H. Williams, Wilson, Worral, York, Young, 25.

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and fifty-five (55) of the Revised Statutes of Louisiana, presented by J. Moncre, of Caddo; favorably and recommended its passage.

House bill No. 118, an act supplementary to the several acts to the town of Franklin, fixing the salary of the Mayor and Councilmen, and granting to said Mayor and Councilmen certain powers presented by Emerson Bentley, of St. Mary; favorably and recommended its passage.

House bill No. 135, an act to compensate John Ray for superintending and printing the revised Civil Code and Code of Practice, and compiling a digest of the Statutes of the State, of a general character, etc., presented by Mr. Faulkner, of Caldwell; favorably and recommended its passage.

House bill No. 191, an act to change the time of holding sessions of the district court in the Tenth Judicial District and to establish two additional terms in parish of Caddo for the trial of State cases, presented by George L. Smith, of Caddo; favorably and recommended its passage.

House bill No. 52, an act entitled an act to grant persons who are studying law, and not licensed to practice in courts of justice of the peace in this State, presented by Cain Sartain, of Carroll; unfavorably and recommended its rejection.

House bill No. 178, an act authorizing the appointment of commissioners to digest the laws and codes of civil and criminal practices of the State of Louisiana, presented by D. W. C. Brown, of Assension parish; unfavorably and recommended its rejection.

Respectfully submitted, HARRY H. STEVENS, Chairman. COMMITTEE ON JUDICIARY, New Orleans, February 3, 1871.

To the Honorable Speaker and Members of the House of Representatives: Your Committee on Judiciary beg leave to report favorably upon and recommend the passage of the following bills, viz:

House bill No. 4, an act to amend an act entitled "an act relative to the justices of the peace, parish of Jefferson, and creating an additional justice court in the First Ward of said parish," approved February 9, 1869, presented by John Garstank, of Jefferson.

House bill No. 3, an act to change the numbers and limits of the First and Eighth Justice Courts for the parish of Jefferson, and to establish the Seventh and Eighth Justice Courts in the parish of Orleans, presented by John Garstank, of Jefferson.

House bill No. 115, an act for the emancipation of Denis Marie, the minor child of Henrietta Bonery, of St. John the Baptist, presented by Henry Demas, of St. John the Baptist.

House bill No. 136, an act to authorize Charles Gray and Lillie Gray, his wife, to adopt Annie Carter and change her name, presented by Faulkner, of Caldwell.

House bill No. 137, an act to authorize Darius Herbert and Pauline Brea, his wife, to adopt Narcissus Gertrude Brea, an orphan, presented by Faulkner, of Caldwell.

House bill No. 137, an act to allow William Schaffer to change his name to William Schwan, and authorize Valentine Schwan, of St. Mary parish, to adopt him as his son and heir, presented by Emerson Bentley, of St. Mary.

House bill No. 149, an act to change and fix the time for holding the District Court in the parish of West Baton Rouge, in the Fifth Judicial District of the State of Louisiana, and for other purposes, presented by Mr. Hyams, of West Baton Rouge.

House bill No. 163, joint resolution authorizing and requiring the transfer of David Fisher, J. C. Oliver and Celestin Oliver from the parish jail of Ascension to the parish of Jefferson, presented by D. W. C. Brown, Ascension parish.

Respectfully submitted, HARRY H. STEVENS, Chairman of the Judiciary Committee. The Committee on Enrollment submitted the following report, which was received: COMMITTEE ON ENROLLMENT, New Orleans, February 13, 1871.

To the Honorable Speaker and Members of the House of Representatives: Your Committee on Enrollment have the honor to report as having been duly engrossed the following bills: House bill No. 43, an act entitled an act to regulate the practice of dentistry within the State of Louisiana, and to protect the public against the evil of charlatanism. Also, House bill No. 204, an act to amend an act to re-enact section 2848 and 1849 of the Revised Statutes of 1870. J. W. QUINN, Chairman. The Committee on Corporations, through its chairman, submitted the following report, which was read, received, and laid on the table subject to call. To the Honorable Speaker and Members of the House of Representatives: Your Committee on Corporations, through its chairman, submitted the following report, which was read, received, and laid on the table subject to call. To the Honorable Speaker and Members of the House of Representatives: Your Committee on Corporations, through its chairman, submitted the following report, which was read, received, and laid on the table subject to call. (CONTINUED ON THIRD PAGE)

## OFFICIAL JOURNAL.

### HOUSE OF REPRESENTATIVES.

#### FIRST SESSION.

##### SECOND GENERAL ASSEMBLY.

###### STATE OF LOUISIANA.

###### Thirty-Fifth Day's Session.

###### Continued from our last Number.

###### MESSAGE FROM THE SENATE.

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Senate bill No. 162, to be entitled an act to incorporate the Alexandria, Homer and Fulton Railroad Company, and to grant State aid thereto, being the special order of the day, was taken up.

Mr. Blackburn moved to amend the bill by striking out the name of Felix Lewis, and inserting in lieu thereof, J. C. Meadows; also, to strike out the name of J. C. Baker, and insert in lieu thereof, A. J. Russell, which was adopted.

The bill was further amended by striking out the words: "In order to connect with any other railroad." Also to insert after the word "railroad" and before the words "as it" the words "so as to connect with any railroad having not constructed nearest its southern terminus."

The bill was adopted as amended and considered engrossed for a third reading.

The constitutional rule was further suspended by a four-fifths affirmative vote, the bill read its third and last time and finally adopted with its title.

Mr. Coupland called up Senate bill No. 109, to be entitled an act to incorporate the town of Breant Bridge, in the parish of St. Martin, and to regulate the same. The bill was considered engrossed for a third reading.

The constitutional rule was further suspended by a four-fifths affirmative vote, the bill read its third and last time, and finally adopted with its title.

Mr. Lewis called up Senate bill No. 99, which was read.

On motion of Mr. Lewis the bill was referred to the Committee on Parishes and Parish Boundaries, and ordered printed.

Mr. Hunsaker called up House bill No. 204.

It passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill adopted on its second reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill read its third and last time, and finally adopted with its title.

Mr. Ray called up Senate bill No. 148, to be entitled an act for the recuscation by the defendants in suits filed in the fourth, fifth, sixth, seventh and eighth district courts for the parish of Orleans, and prescribing the duties of clerks in such cases.

On motion of Mr. Ray, insert after the words "cases" in the third line from the end of the first section, the following: "In which the Eighth District Court is given exclusive jurisdiction, in which cases this act shall not apply." And strike out the balance of that section.

The bill was read, the amendment adopted, and the bill considered engrossed for a third reading.

The constitutional rule was then suspended by a four-fifths affirmative vote the bill read its third and last time, and finally adopted with its title.

Mr. Thompson called up House bill No. 106, to be entitled an act to authorize the people of the parish of Livingston to change the location of their courthouse, and to cut the same by a vote of the people thereupon.

Passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading.

The constitutional rule having been further suspended by a four-fifths affirmative vote, the bill was read its third and last time, and finally adopted with its title.

Mr. Thompson called for executive session which was duly so called.

The President ordered the lobbies to be cleared.

Executive session being raised, on motion of Mr. O'Hara the Senate voted to adjourn till twelve o'clock M. to-morrow.

The President then announced that the Senate stood adjourned until the fourteenth instant, at twelve o'clock M.

CHARLES H. MERRITT,  
Secretary of the Senate.

Thirty-Seventh Day's Session.

SENATE CHAMBER,  
TUESDAY, FEBRUARY 7, 1871.

The Senate met pursuant to adjournment.

Present: Hon. O. J. Dunn, Lieutenant Governor and President of the Senate; Messrs. Anderson, Antoine, Barber, Blackburn, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futch, Gallap, Harris, Hewig, Hunsaker, Ingraham, Jinks, Kelso, Lewis, Lyne, McMillen, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Whitney, Wilcox—36.

Prayer by the Rev. Mr. Thompson.

The minutes of the previous day's session were corrected and their reading dispensed with.

corporate; with certain powers, privileges and franchises, contracting with the said corporation for the construction, maintenance and repair of certain levees, and providing for compensation thereof.

Also to inform the Senate that the House has passed a bill, entitled an act to incorporate the Louisiana Land Company, and Loan and Savings Bank, over the Governor's veto by a vote of yeas 85, nays 8; two-thirds of the members present voting in the affirmative.

Respectfully,  
WILLIAM VIGERS,  
Chief Clerk House of Representatives.

Message to the House.

The Secretary presented to the House for its consideration the following entitled bill, viz:

Senate joint resolution No. 12, granting leave of absence to Thomas Reber, Parish Judge of the parish of Concordia, Louisiana.

Senate bill No. 91, to be entitled an act to amend and re-enact an act entitled "an act to incorporate Harmony Fire Company No. 1, of the town of Franklin, parish of St. Mary," approved February 28, 1859.

Senate bill No. 140, to be entitled an act to authorize Antoine Lecomte Hertzog to assume the name of Ambrose Hertzog Lecomte.

And notified that honorable body that the Senate had concurred in the following House bills, viz:

House bill No. 6, to be entitled an act to amend article nine hundred and fifteen of the Civil Code, and to provide for the descent of community property in certain cases.

House bill No. 103, to be entitled an act to authorize the people of the parish of Livingston to change the location of their courthouse, and to locate the same by a vote of the people thereupon.

And with amendments in—  
House bill No. 10, to be entitled an act to extend the limits of the corporation of the town of Minden, and to give the corporate authorities thereof the exclusive control of the license and sale of intoxicating liquors within said limits, and the disposition of the revenue therefrom.

PETITIONS AND MEMORIALS.

Mr. Pinchback presented a petition from the River Pilots Benevolent Association, a duly incorporated body under the laws of this State, and domiciled in New Orleans, asking for relief.

Mr. Ingraham presented a petition from the Board of Metropolitan Police of New Orleans, which was ordered printed in the journal of the Senate.

To the Senate and House of Representatives of the State of Louisiana, in General Assembly convened:

Your memorialists beg leave to respectfully represent, that on the third day of March, 1870, the Legislature passed an act over the veto of the Governor in words and figures as follows:

"No. 72.  
"An act for the relief of the officers and members of the Metropolitan Police."

WHEREAS, Owing to the great opposition shown by the different city officials of the cities of New Orleans, Jefferson, Carrollton, Algiers, Gretna, and the parish of St. Bernard, the Metropolitan Police were forced to receive warrants for their salaries instead of currency, as required by law, thereby causing the said police to lose the enormous discount of thirty per cent on the dollar; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Board of Metropolitan Police (immediately after the passage of this act) be and is hereby authorized to pay (in warrants) to each officer and member of said police thirty per cent on each warrant issued to said officers and members of said police, for the fiscal year of one thousand eight hundred and sixty-nine, except those hereinafter stated.

SEC. 2. Be it further enacted, etc., That the Metropolitan Police Board be and is hereby authorized to levy a special assessment on the different corporations comprising the Metropolitan Police district, for the purpose of paying the said police the discount lost (in) on their warrants, for the fiscal year of one thousand eight hundred and sixty-nine.

SEC. 3. Be it further enacted, etc., That any officer or member who has not served on said police for six months during the year 1869, or those who have been dishonorably discharged, or have resigned, shall not be entitled to any of said appropriation made in this act.

SEC. 4. Be it further enacted, etc., That in case of the death of any officer or member of the said police, his heirs shall be entitled to all the benefits of this act for the year 1869.

SEC. 5. Be it further enacted, etc., That all laws or parts of laws in conflict with this act be, and the same are hereby repealed, and that this act shall take effect from and after its passage.

(Signed) MORTIMER CARR,  
Speaker of the House of Representatives.

(Signed) O. J. DUNN,  
Lieutenant Governor and President of

the Senate.  
A true copy:  
(Signed) GEO. F. BOYCE,  
Secretary of State.

The board believed it was clearly the intention of the Legislature, in passing this act, to compensate all worthy and meritorious officers for losses sustained on warrants, issued to them during the year 1869; but that it was not the intention to grant this compensation to men who, by their own misbehavior, had been dismissed the force during the year, or who had resigned prior to the passage of the act.

Acting under such belief, the board immediately after the act became a law, submitted the same to their attorney, for an opinion as to its true meaning and construction, which is given in the following communication:

OFFICE OF BOARD,  
New Orleans, March 11, 1870.  
Honorable Finance Committee, Board of Metropolitan Police.

I have the honor to answer the questions propounded in your communication of the ninth instant, as follows:

In order to be able to obtain the benefits of the act entitled "an act for the relief of officers and members of the Metropolitan Police," the following requisites are essential:

The claimant should have been in the service of the Metropolitan Police, at the time of the passage of this act, and he should have served six months during the year 1869.

Those who have been honorably discharged after having rendered service during six months in the year 1869, are also entitled to the benefits of this act.

The heirs of those who have died in the service of the Metropolitan Police, after having rendered service during six months of the year 1869, are also entitled to the benefits of this act.

Those who have been dishonorably discharged, or have resigned, at any time before the passage of the act, are not entitled to the benefits of the act.

(Signed) E. FILLIPEAU,  
Attorney of the Board.

Under the above construction of the law, the board proceeded to audit the accounts and direct the issuance of warrants to those whom they deemed entitled to the sum of one hundred and seventy thousand five hundred and sixty-two dollars and ninety-nine cents (\$170,479.99).

But numerous suits have subsequently been instituted in the Sixth District Court (Judge W. H. Cooley), against the board, by the members of the police force, who had served six months during the fiscal year of 1869, but who had resigned or been dismissed before the passage of the act, and whom the framers of the law referred to clearly deemed exempted, from the benefits thereof, upon which judgment has been rendered and payment ordered under decisions of Judge Cooley, on June 29, 1870, and January 23, 1871. (Copy of decision of January 23 appended, marked A.)

These judgments amount to a total of ninety-eight cases, involving a sum of \$21,289.97, and costs, which are \$1323.90; but the amount involved in each separate case being below the sum of five hundred dollars, the judgments of the Sixth District Court were, final, and no appeal could be taken; therefore the board has been compelled, after consultation with their attorney, to issue warrants for the amount.

Further, that notice has been served upon the board of twelve additional suits now pending in the same court, filed February 4, involving a sum of \$2123.13, which does not yet end the list, thus imposing upon the tax-payers of the Metropolitan Police district the additional burden of thousands of dollars, ordered by the mandatory decrees of the Judge of the Sixth District Court.

Your memorialists would further represent that in a number of instances the parties to the suits against this board have not authorized such proceedings, and disclaim any knowledge of matter involved until judgment was obtained.

The decision of Judge Cooley seems to indicate that if any officer or member of the Metropolitan Police force who has served six months in the fiscal year of 1869, and served to the end of said fiscal year, is entitled to the thirty per cent contemplated by the act, but in a number of cases he has rendered judgment contrary to his decision where the parties having simply served six months or more during the fiscal year 1869, and who were discharged or had resigned before the end of said fiscal year, and who obtained judgment compelling the board to pay their claims, it would seem that Judge Cooley, whose decision is rendered in very vague terms, merely touched upon that provision, so plainly stated in the law, that those who have resigned or been dishonorably discharged, shall not be entitled to the benefits provided for in the act. By way of argument, with a view of entirely ignoring said provision in order to render judgments to claimants contrary to law, his only excuse for such action seems to be given in the last part of his decision, in which he says:

It would be a vicious interpretation to hold that under a statute conferring a benefit for losses during a certain and fixed period, the conduct of the grantees, long after the time when he incurred the loss, could be investigated with a view to defeat his claim.

It is more than reasonable, it is just and proper, that his merit and demerit should be co-extensive in point of time, or, in other words, that as he is indemnified only for the losses suffered during 1869, that misconduct which will deprive him from the bounty must have occurred during that year.

The plaintiff is entitled to judgment.

NOTICES OF BILLS.

By Mr. Pierce: Of a bill to be entitled an act to provide for the unsettled floating debt, and estimated deficiencies of the revenue of the city of New Orleans for the years 1870 and 1871, and to authorize the issue of bonds for the said purpose.

By Mr. Antoine: Of a bill to be entitled an act to ratify and confirm a compromise made between the city of Shreveport and the assignees and representatives of the Shreveport Town Company in relation to property in said city known as the batture property, and to satisfy an arrearage of the Mayor and Trustees of said city, adopted January 21, 1871.

REPORTS OF COMMITTEES.

Mr. Ray, from the Committee on Judiciary, reports favorably upon Senate bill No. 170, to be entitled an act to create the Seventeenth Judicial District, and to fix the time of holding the terms thereof.

Lies over.

Also reports an original bill to be entitled an act to authorize the Governor of the State of Louisiana to grant leave of absence to State and parish officers.

Lies over.

Mr. Swords, from the Committee on Parishes and Public Buildings, reports favorably upon Senate bill No. 66, to be entitled an act to appropriate three thousand five hundred dollars to defray the expense of reconstructing the batture in front of the university situated on Common street.

Mr. Lewis, from the Committee on Corporations, reported favorably on Senate bill No. 73, to be entitled an act to incorporate the Louisiana Transportation Company, for the purpose of constructing street railways upon the streets of New Orleans not heretofore provided for.

W. M. ROBINSON, Vice President.  
J. A. RAYNAL, Treasurer.  
WILLIAM GEORGE,  
THOMAS ISABELLE,  
GEORGE BALCY,  
Commissioners.  
JAMES LEWIS,  
Administrator of Police.

Peter Reilly vs. Board of Metropolitan Police.—Sixth District Court, parish of Orleans.—The plaintiff claims the thirty per cent additional pay allowed to the rank and file of the Metropolitan Police force, by act No. 72, which became a law on third of March, 1870.

The defendants pretend, first, that act No. 72 does not, in absolute terms, grant to the petitioners the thirty per cent, but authorizes the police board to do so if, in their discretion, they deemed it just and proper. Second, That, even if the grant be beyond the control of the board, that petitioner is, within the excepted class, having either resigned or been dishonorably dismissed, the force, previous to the passage of the act.

I have already had occasion to pass upon the question raised in the argument of this cause, as to the character of the grant contained in the law of the third of March, 1870. Since the decision rendered by this court in June last, the same point has been presented to the Eighth District Court twice, and has received a different solution from two judges presiding in that tribunal. On the sixth of August last Judge Emerson, presiding in the place of Judge Dibble, adopted the interpretation of the police board, holding that the law left it discretionary with them to pass definitely upon the claim of policemen for reimbursement on account of losses sustained by discount of their warrants, and for this reason he rejected an application for a mandamus.

On the thirtieth of November, the same question being presented for decision to Judge Dibble, he held that the law of the third of March, 1870, vested in the policeman an absolute right to the thirty per cent additional subject, however, to the exceptions mentioned. He did not consider the act as conferring discretionary powers upon the board, but as being strictly speaking mandatory, and imposing a purely ministerial duty.

It seems to me so plain that Judge Dibble's construction is the correct one that I have often wondered how his predecessor on the bench could have decided otherwise.

The act No. 72 has none of the features of an act investigating the board with legislative or discretionary powers; even if the body of the act left room for doubt as to its meaning, the preamble would explain any ambiguity. But, in my opinion, there is no necessity to recur to this. The expression "may" in the law refers to the assessment to be made, with a view of obtaining funds adequate to pay the thirty per cent additional, and not to the right to the thirty per cent.

The same expression is, used in the original Metropolitan Police act, to confer the power to raise funds, but this was not intended to leave it discretionary with the board to fix the salary of the officers and men.

It is urged that petitioner had either resigned or been dismissed before the passage of the law of the third of March, 1870. The evidence shows that plaintiff was in the fiscal year 1869, and for six months previously. A resignation or dismissal subsequent to the expiration of the fiscal year 1869, does not, in my opinion, deprive the policeman from the benefits of the act.

The additional compensation was not intended for services rendered or losses suffered up to the passage of the law of the third of March, 1870, but merely for services rendered and losses sustained by discount of warrants during the fiscal year of 1869.

This law states in express terms. It would be a vicious interpretation to hold that under a statute conferring a benefit for losses during a certain and fixed period, the conduct of the grantees, long after the time when he incurred the loss, could be investigated with a view to defeat his claim.

It is just and proper, that his merit and demerit should be co-extensive in point of time; or, in other words, that as he is indemnified only for the losses suffered during 1869, that misconduct which will deprive him from the bounty must have occurred during that year.

The plaintiff is entitled to judgment.

NOTICES OF BILLS.

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Mr. Lewis, from the Committee on Corporations, reported favorably on Senate bill No. 73, to be entitled an act to incorporate the Louisiana Transportation Company, for the purpose of constructing street railways upon the streets of New Orleans not heretofore provided for.

Lies over.

Also, favorably upon Senate bill No. 121, to be entitled an act to incorporate the town of Breant, in the parish of St. Mary, and to repeal an act entitled an act to incorporate the town of Breant, in the parish of St. Mary, approved March 8, 1860, and all amendatory thereto.

Lies over.

Also, favorably upon Senate bill No. 3, to be entitled an act granting certain privileges and powers upon the inhabitants of Baton Rouge, and to repeal certain acts.

The bill was taken up, and fixed for the special order for February next, and ordered to be printed.

Mr. Barber, from the Committee on Parishes and Parish Boundaries, reported unfavorably upon Senate bill No. 159, to be entitled an act annexing a portion of the parish of Ascension to the parish of Livingston.

Mr. Sypher, from the Committee on Drainage Canals and Inland Navigation, reported favorably upon Senate bill No. 387, to be entitled an act to amend an act entitled "an act to remove obstructions in the Bayou Combleton, and to improve the navigation of the same," approved March 28, 1867.

Lies over.

Mr. Twitchell, from the Committee on Elections, submitted the following report upon the contested election case of M. Marks vs. O. R. Hunsaker:

Passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and referred to the Committee on Railroads.

By Mr. Lewis: A bill to be entitled an act to incorporate the Louisiana Red River Rail Company, to provide said company authority to collect tolls; to provide State aid to assist in removing the same from upper Red river.

Passed its first reading.

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